

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TANYA CREATIONS, LLC,

Plaintiff,

- v -

WINDSTREAM BUSINESS
HOLDINGS, LLC, et al.,

Defendants.

20-CV-2677 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

This action was filed on March 31, 2020. (Dkt. No. 1.) The docket does not indicate that Plaintiff has served Defendants Windstream Services LLC; Windstream Enterprise; Broadview Networks, Inc.; EarthLink Business, LLC; or EarthLink Carrier, LLC. Rule 4(m) of the Federal Rules of Civil Procedure requires a defendant to be served with the summons and complaint within ninety days after the complaint is filed.

Plaintiff is directed to advise the Court in writing why he has failed to serve the summons and complaint on the indicated Defendants within the ninety-day period, or, if Defendants have been served, when and in what manner such service was made. If no written communication is received by August 7, 2020, showing good cause why such service was not made within ninety days, the Court will dismiss the case as to those Defendants.

Meanwhile, Defendants Windstream Business Holdings, LLC; Windstream Communications, LLC; and Windstream New York, Inc. were served on April 8, 2020. However, no appearance has been entered on those Defendants' behalf, and no response to the complaint has been filed in the allotted time. Plaintiff has not moved for a default judgment.

Plaintiff is directed to notify the Court whether it intends to move for default judgment against those Defendants, or if it has received any communication from Defendants or their counsel regarding a response to the complaint.

If Plaintiff fails by August 7, 2020, to either (1) file a letter concerning the status of the case, or (2) move for default judgment against Defendants, the action may be dismissed for failure to prosecute.

Plaintiff is directed to serve a copy of this order by mail on Defendants.

SO ORDERED.

Dated: July 24, 2020
New York, New York



J. PAUL OETKEN
United States District Judge